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The Law School

of the

UNIVERSITY OF MICHIGAN:

1859 — 1959

By ELIZABETH GASPAR BROWN

ON October 3, 1959, the law school of the University of Michigan will have completed a hundred years of functioning existence. A century earlier, on October 3, 1859, James Valentine Campbell delivered an address *On the Study of the Law* at the Presbyterian Church in Ann Arbor, officially opening the law department.

Instruction in law had been contemplated in the first territorial statute establishing a university in Michigan.¹ Two acts of the state legislature, in 1837 and 1851, provided for a law department in the state university.² While the board of regents, constituted the governing body of the university by the Act of 1837, provided for a literary department which opened in 1841 and a department of medicine which commenced to function in 1850, they took no action toward establishing a law department until their meeting in December, 1858. On December 22, a regential committee was directed "to consider and report a plan

1. "An Act to establish the Catholepistemiad or university of Michigania," August 26, 1817.

2. "An Act to provide for the organization and government of the University of Michigan," March 18, 1837; "An Act to provide for the government of the state university," April 8, 1851.



With an A.B. from Rockford College and an LL.B. from the University of Wisconsin Law School, Elizabeth Gaspar Brown is a brilliant and attractive research associate at the University of Michigan Law School.

for the establishment of a law department . . ."³

On March 29, 1859, the committee submitted its report which was adopted the following day, March 30. On the same day, March 30, the regents appointed James Valentine Campbell, Charles Irish Walker, and Thomas McIntyre Cooley "Law Professors in the University of Michigan at a salary of

3. Regents Proceedings, 1837-1864, p. 799.

\$1,000 per annum each, the time of service to commence the first day of October next."⁴ The fact that the salaries of the law faculty were to be paid from university funds was a complete deviation from the custom of the period; what law schools did exist in 1859 were essentially proprietary institutions with faculty salaries dependent on student fees. However, as was usual at that time and for at least a quarter of a century thereafter, the appointments were recognized by all concerned as part-time ones.

At the time of appointment Campbell was a state supreme court justice and Walker a practicing lawyer in Detroit. Cooley, then supreme court reporter, later joined Campbell on the court. Cooley did move his family to Ann Arbor sometime during the spring or summer of 1859, but Campbell and Walker continued to live elsewhere, traveling to the university for their classes which were arranged in accordance with the professors' other commitments.

SCHOOL ADVERTISED

At the same meeting of the regents at which the law school was established and the law professors appointed, the board directed that the department be advertised in Detroit, Chicago, New York, Cincinnati, St. Louis, and Washington, D. C., at a cost not to exceed \$100.⁵

4. *Id.*, p. 837.

5. *Detroit Weekly Tribune*, July 5, 1859. In this advertisement prospective students were informed:

The course extends through a period of two years, each term commencing the first of October, and closing the last week in March following.

Students may enter at any time, but are strongly advised to enter at the commencement of the term. Students will have access to the University Law Library, which is to be immediately procured, but in view of the purely nominal charges to which they will be subject, they are expected to provide for themselves the ordinary text books which they will have occasion to use at their rooms. The charges are \$10 Matriculation fee, and \$4 annually for incidentals.

Accommodations were arranged for the new department in the old chapel in the main building on the campus, known as Mason Hall. Although the regents had authorized the purchase of \$2,000 worth of books, apparently these were not available by the opening date, and a gift of some 250 volumes by Thomas M. Cooley constituted the law library. The law faculty held its first meeting on October 3, 1859, and elected Campbell as dean and Cooley as secretary, before adjourning to hear Campbell's opening lecture. Two days later, October 5, Charles Irish Walker delivered the first classroom lecture. The law department was a functioning entity of the university.

MANY FROM OUT-OF-STATE

Of the ninety students, eighty-nine came from nine states and one from Canada. They all attended the same lectures, for the course of instruction had been "carefully arranged, with a view to enable students to enter profitably at any stage of their studies, and at either term."⁶ Some of the men⁷ had already practiced law for a year after admission to the bar, and it was understood that they would graduate with the degree of Bachelor of Laws at the end of the first term of six months. There were no formal requirements for admission. The majority apparently entered directly from a high school or academy course, as the records show that only fifteen out of the ninety enrolled for 1859-1860 had secured an undergraduate degree of any kind.⁸

6. *State University of Michigan, Catalogue*, 1860, p. 60.

7. Women were not admitted to the University until 1870. Two enrolled in the law department for 1870-1871.

8. For many years one of the attractions of the law department was that a bachelor's degree in law could be obtained in two years, while the literary department required four years. This situation was entirely acceptable to the mid-nineteenth century when a law school was essentially an undergraduate institution and statutory requirements for admission were admittedly minimal.

LECTURE SYSTEM

Lectures delivered by the professors were the chief means of instruction, supplemented by moot courts held at regular intervals. While students were advised to buy and keep a few basic texts in their rooms, surviving sets of student notebooks for this early period contain no reference to them.⁹ Cases were cited in the lectures, but as illustrations of fundamental principles, not to develop the students' analytical reasoning. The first few decades saw nothing comparable to the case system of instruction, though some attempt was made to drill and quiz students on the contents of lectures.

Although Campbell had been elected dean in 1859, Cooley's residence in Ann Arbor made him readily accessible for the variety of administrative trivia attendant upon the headship of a department.¹⁰ On some date in the early 1870's, the law faculty apparently elected him dean, for in 1875 he commenced to sign himself as such in his communications to the regents.¹¹

In 1863 the law department was moved from its original quarters to the newly erected law building, located in the northwest corner of the original campus. It shared these quarters with the university library and the university chapel, and it was not until 1884 that the entire building was turned over to

9. See the student notebooks on deposit in the Michigan Historical Collections, University of Michigan.

10. Among Cooley's incidental duties were the ordering of blank books and the regulation of gas used to light the room housing the law library. He submitted a plan to the regents for the better securing of law books, he gave them legal advice as needed, he represented the law faculty in the annual appearances before the regents.

11. No records of faculty meetings have been located for any which may have been held between the first one in 1859 and one in 1890. Hence, at present no one can state definitely when or if this event occurred. However, as deans were customarily selected by the faculties of the several departments prior to 1889, such an election becomes a strong probability.

it. With steadily rising enrollment during these years, the department had been increasingly cramped in the single lecture room, the small room for the law library, and the scanty office space allotted to its use.¹²

Relatively little change took place in the subjects taught during the first two decades of the department's existence. A fourth professor was added in 1866, and during most of the years between 1866 and 1879 there were four men on the faculty, one part-time resident, and three part-time non-residents. They delivered their lectures which, again judging from surviving student notebooks, did not alter materially from year to year. The entire course of instruction was repeated every two years, the juniors sitting toward the rear of the room listening to the same lectures as the seniors toward the front. The professors lectured and held moot courts during the two or three days a week they were in Ann Arbor.

STUDENT ACTIVITIES

The students supplemented the formal course of instruction with a miscellany of literary societies and club courts, where questions of fact were argued. These club courts were student organized and students appear to have joined them on the basis of the jurisdiction in which they expected to practice. Less serious-minded students found outlets in fraternity activities, athletic events, campus politics, and a continuing feud with the "lits" which was not brought under control for decades. The semester-end examinations which students of the mid-twentieth century approached with apprehension were non-existent. Little, if any, classroom participation appears to have been required prior to the 1880's. Admission to the bar was automatic for the holder of an LL.B. Viewed from a contemporary viewpoint, however,

12. It was fortunate that more library space became available in 1884, for in 1885 Christian Buhl of Detroit donated his law library of over 4,000 volumes to the university, doubling the size of the collection of law books.

Michigan's standards of legal education were superior and attracted students from the entire United States and from foreign countries. From the day it opened its doors, it was a national law school. However elementary the instruction may appear to the student of 1959, it was never based solely upon Michigan law; and the law professors, if the student notebooks are trustworthy, tended to look at the United States as a whole and prepare students for practice on the national level.

As years went by, there was some dissatisfaction with the short and relatively static course of instruction. The law term was lengthened from six to nine months in 1883-1884, the same year the course of instruction was "graded," that is, instruction for the first-year students was separated from instruction for the second-year students. Textbook instruction was referred to in the department announcement for 1884-1885, although Cooley had informed President Angell of its institution as early as 1879-1880. But a number of years were to pass before any attention was paid to cases; the 1887-1888 announcement was the first to inform students that they were "requested to purchase 'Indermaur's Common Law Cases'" and that they would be "examined on them during the year."¹³ The lecture system remained the predominant method of instruction throughout the 1880's, but the first significant departure from its traditional pattern had been made.

FULL-TIME FACULTY

Another important break with contemporary practice was made in 1883-1884: Henry Wade Rogers was appointed the first full-time professor of law. Four decades would pass before Henry Moore Bates could point to a law faculty almost entirely composed of full-time appointees, but a trend had begun. In 1884 the regents appointed Harry Burns Hutchins professor of law and stipulated

13. Announcement, law department, 1887-1888, p. 12.

that he reside in Ann Arbor. However, within four years after the first full-time teaching appointment was made, the department began to use men in active practice or other departments of the university to deliver special series of lectures. Attendance at these lectures was required until the institution of elective courses in 1897-1898, but they usually dealt with supplementary rather than basic subjects.

Charles A. Kent followed Cooley as dean of the law department. Kent was succeeded by Henry Wade Rogers who resigned in 1889. During the relatively few years of Rogers' deanship, he did much to improve the level of instruction and to provide a more integrated and closely knit program. Moreover, his deanship was marked by the institution of the first graduate instruction in law, for the regents in 1889 authorized the granting of the degree of Master of Laws.

Jerome C. Knowlton was appointed by the regents as acting dean in 1890 and dean in 1891. Apparently at Knowlton's own request, because of his lack of interest in administrative affairs and his desire to return to full-time teaching, he was made chairman of a committee to select his successor. In 1895 Harry Burns Hutchins took over Knowlton's duties. Knowlton's brief period as dean was marked by two innovations: First, the short-lived experiment with the use of quizmasters and assistants, and second, the conversion of the moot courts into a practice court in 1893 under the direction of Floyd Russell Mechem.

CASE SYSTEM

Hutchins was dean for fifteen years, and during his administration groundwork was laid for future changes. Although the lecture system had been modified by the institution during the 1880's of textbook instruction, cases were relatively neglected. The first collection of cases prepared for a single subject was used in 1895-1896, but it was Henry Bates, not Hutchins, who was responsible for the law faculty's adop-

tion of the case system as the dominant method of instruction.

In 1895-1896 the course of instruction was lengthened from two to three years. A high school diploma, however, remained the sole prerequisite for admission, and despite the best efforts of men such as Mechem and Horace L. Wilgus, subjects were taught on the undergraduate level. The provision made in 1908 to grant the degree of Juris Doctor to men who had secured a Bachelor of Arts degree prior to enrolling in the law department was one phase in the continuing struggle to place the department on a graduate basis.

When the course of instruction had been lengthened from two to three years, a sharp drop in enrollment was anticipated. This did not occur. The department continued to grow, but as the costs of instruction increased, it ceased to produce the operating profit for the university it had made in earlier years.

Hutchins increased the number of full-time law faculty, although he continued to utilize lecturers, especially for graduate or elective courses. During his years as dean, he brought to the faculty, among others, Edson R. Sunderland, Ralph Aigler, Edwin Goddard, and Henry M. Bates. Unlike his predecessors, he preferred men who were not primarily practicing attorneys and were prepared to devote all their time to their academic duties. Hutchins instituted regular faculty meetings with carefully kept minutes, which show a steady progression toward a general tightening of standards. They were not, however, high enough to suit his successor, Henry Moore Bates.¹⁴

In 1895 student records, other than the bare facts of admission and gradu-

ation, began to be kept, first by a member of the law faculty and later by the clerical staff. In 1911 Katherine Murray took over this responsibility and until 1956 all student records passed through her hands.

NEW BUILDING IN 1897

As enrollments increased, the original law building became completely inadequate. Hutchins was able to persuade the regents to finance a complete rebuilding of the structure which was finished in 1897. It housed the law library until its removal to the Legal Research Building in 1931, and the classrooms until the completion of Hutchins Hall in 1933.

Yet by the standards of 1897, the law department in terms of physical facilities and academic standards enjoyed a national reputation. It drew students from within and without the United States, from Europe, Africa, and Asia. *The Michigan Law Review*, established in 1902, appeared regularly, with opportunity for student participation. Many graduates achieved national importance. Lecturers in the department included justices of federal and state supreme courts. There was a graduate program. The faculty was increasing its use of the case method, and was trying to raise the level of scholarship and tighten admission procedures, as well as persuade the regents to require for admission at least one year of college. And in one most important area of legal education, Michigan was making a unique contribution, even if it was to be overlooked or minimized for decades.

When Mechem reorganized the old moot courts into the practice court, he devised a method admirably suited to prepare young lawyers for the realities of actual practice. In 1901 Edson R. Sunderland commenced his long connection with the practice court, and between 1910 and 1944 he had the prime responsibility for its operation. During these years Sunderland was instrumental in evolving a system of instruction in pleading and practice, using both the practice court and the courses in pro-

14. The story, perhaps apocryphal, is told of how Henry Moore Bates, meeting his first Michigan class in 1903 and facing the entire first-string university football team, decided that action was needed to prevent students unable to pass courses in the literary department from finding refuge in the law department. In this resolve he was successful.

cedure, which did much to invalidate the criticism so frequently levied against the law schools of the early twentieth century—they were strong on theory but their graduates were unprepared to handle an actual lawsuit.

BATES DEAN IN 1910

In 1910 Harry Burns Hutchins, who had twice served as acting president, was appointed president by the regents. To succeed him as the dean of the law department, the board chose Henry Moore Bates, who served as dean until his retirement in 1939.

Bates entered vigorously upon his new duties. Almost immediately the regents initiated the admission requirement of at least one year of college work, effective in 1912-1913. Shortly thereafter, two years of college work were required, beginning in 1915-1916. The faculty minutes show definite leadership by the new dean, replacing the more informal atmosphere characteristic of Hutchins' administration. Standards of academic performance were strengthened, use of the case method was encouraged, and tightened discipline was apparent throughout the department. After 1913 admission to the bar was no longer an automatic prerogative of Michigan graduates. Bates himself requested that the regents advise the legislature to end this privilege, as he felt students needed the challenge of a bar examination.

In 1915 the regents revised the nomenclature of the several divisions and departments of the university; henceforth the law department was known as the law school, a term which had been in informal use for decades.

In spite of the fact that the law building housed fewer students in 1921 than in 1897, there was increased pressure on available space. Throughout the 1920s Bates repeatedly stated in his annual reports to the president that the building was not only ill-adapted and inconvenient, but was seriously overcrowded. Bates reminded successive presidents that the nature of legal education had undergone great changes, that

the emphasis had shifted from purely vocational, undergraduate training to the broad preparation necessary for an important and influential profession, and that a building, planned for lecture-type instruction and passive students, was not suitable for the case method of instruction. The fire hazard, he observed, was acute,¹⁵ while the library which had increased in size and value, was scattered through a miscellany of small rooms with many books virtually inaccessible. The professors' offices were ill-arranged for access to books and for research purposes. In fact, there was an over-all need for better quarters.

BATES A LEADER

Underlying all of Bates' reports was his wide-sweeping philosophy of legal education. He thought in large terms, visualized a great law school for Michigan, and planned for a faculty which in depth of scholarship and breadth of vision would work with him to this end. Accordingly, he wanted men who were constantly growing and maturing in their several fields, men who would be effective teachers because of their productive research, men who would teach students not barren rules and principles but who would develop their analytical and reasoning processes. Formerly librarian of the Chicago Law Institute, Bates was keenly aware that a library constituted the tools of a lawyer. With his support, the law library grew from a collection of 30,321 volumes in 1910 to 151,269 in 1939, while in 1959 the total of 290,435 was reached.

One other individual, in a very different way, matched Bates in greatness of imagination and intensity of purpose. William Wilson Cook, Law '82, built a dormitory for law students, known as the Lawyers Club, with operating profits devoted exclusively to legal research. With completion of the Club in 1925,

15. This observation was fully justified in 1950 when the old law building, renamed Haven Hall and occupied by several departments of the literary college, burned to the ground with serious loss of books and papers.

the law faculty for the first time had available an income to support legal research.

While research and writing had characterized the law faculty from the days of Cooley and Campbell, this research was collateral to teaching duties and was dependent upon the faculty member's interest and initiative. That research was a prerequisite to effective teaching and that it was an integral part of the entire process of legal education, was not recognized by any substantial number of the law faculty prior to the 1920s. And even if it had been, there were no funds to finance a research program. A professor was free to write and publish, but he would have to do it in addition to his teaching commitments and committee assignments, burdens which had grown heavier with higher standards and more complex problems of administration.

FUNDS FOR RESEARCH

Income from the Lawyers Club, however limited, did provide some funds for supplies, research assistance, and salary payments to professors, relieved of full-time teaching schedules. In 1927 Edson R. Sunderland was appointed Professor of Law and Legal Research. Before establishment of the Cook Endowment Income under the will of William W. Cook, who died in 1930, profits from the Lawyers Club constituted the only funds available for research purposes.

Bates, hopeful of more adequate physical facilities for the library and for classrooms, continued to work for the future. In 1926 Hobart Coffey was appointed law librarian, succeeding Victor Lane. Coffey began the slow process of accumulating the volumes necessary for a collection designed to supply the needs of both law students and research workers, not only in areas of the common law but in those of civil, international, and comparative law as well. The result in 1959 is one of the three or four great law libraries of the Western Hemisphere. Thirty years earlier, however, in 1929, the collection was so ill-housed that

much of it was unusable. Hence the offer in that year by William W. Cook of a Legal Research Building to house the library and provide research offices was highly welcome. Work was started immediately. At the same time Mr. Cook indicated that he was prepared to erect a final unit in the Law Quadrangle, a classroom building which was called Hutchins Hall.¹⁶

THE COOK GIFTS

These magnificent gifts by Mr. Cook, with the consequent vacating of the old law building, tended to obscure academic developments. In 1925, the regents authorized the law faculty to grant the degree of Doctor of Juridical Science, later known as Doctor of the Science of Law. In 1928-1929 the law school finally became a graduate school with graduation from college required for admission.¹⁷

During this decade, the law faculty continued to be concerned with preparing students for the realities of actual practice. The practice court was reorganized to deal with issues of law rather than of fact. Case clubs appeared, student managed but under faculty sponsorship. Professors E. Blythe Stason and Edgar Durfee were particularly active in promoting these clubs, which became an increasingly important aspect of the school's program without, however, carrying classroom credit.

When in 1930 William W. Cook died, the expectation was that under the rather widely known provisions of his will, the law school would have access to, for research purposes, income from an estate estimated to be in excess of ten million. Unfortunately the decline in the value of securities throughout the early 1930's sharply curtailed the principal eventually turned over to the William W. Cook

16. Cook in 1929 also supplied the funds for the John P. Cook building, an addition to the Lawyers Club.

17. The only exception to this rule was in the case of students entering under the combined curriculum, a program which was discontinued in 1958.

Endowment for Legal Research, but some additional income did become available. As a consequence, the research program of the law school expanded. In 1932 William Wirt Blume commenced his monumental work, *Transactions of the Supreme Court of the Territory of Michigan*, using files of cases and record books discovered at Lansing. He set out in six massive volumes the proceedings of the territorial supreme court, throwing light on Michigan procedure and practice prior to statehood. John Waite's *The Prevention of Repeated Crime* and George Ragland's *Discovery Before Trial* were among the earliest volumes published with the aid of funds derived from the Cook gifts. Not all research, however, was financed in this manner. Lewis M. Simes' three-volume treatise, *The Law of Future Interests*, was prepared without the aid of the Endowment, but the impact of Cook's gifts in producing a climate where research and writing were actively recognized and encouraged cannot be overestimated.

STRONG STAFF

One of Henry Bates' deepest concerns was the building of a strong faculty. Edgar N. Durfee came to Michigan in 1911. Grover C. Grismore joined the faculty in 1914, and Burke Shartel in 1920. E. Blythe Stason came in 1924, followed by Hobart Coffey, Paul Leidy, John Dawson, William W. Blume, and Laylin K. James. Despite the need for additional faculty members, the depression of the 1930s caused a minimum number of appointments. However, John Tracy was appointed in 1930, Lewis M. Simes in 1932, Marvin Niehuss in 1933, and Hessel E. Yntema in 1934. Two appointments were made to the rank of assistant professor: Paul G. Kauper in 1936 and Russell A. Smith in 1937.

STASON SUCCEEDS BATES

In accordance with University regulations, Bates retired in 1939 and was succeeded by E. Blythe Stason. Few men on retirement could look back on so long and productive a period of administration as could Henry M. Bates.

In terms of physical plant, number and qualifications of the law faculty, standards of instruction, preparation and ability of law students, caliber of work required for graduation, quality and number of volumes in the law library, amount and character of research and writing, success by the school's graduates, the outstanding reputation of the Michigan Law School, Dean Bates could survey the work of twenty-nine years and see concrete evidence that he and the law faculty had labored with diligence and had simultaneously produced a good harvest and prepared the way for a better one to come.

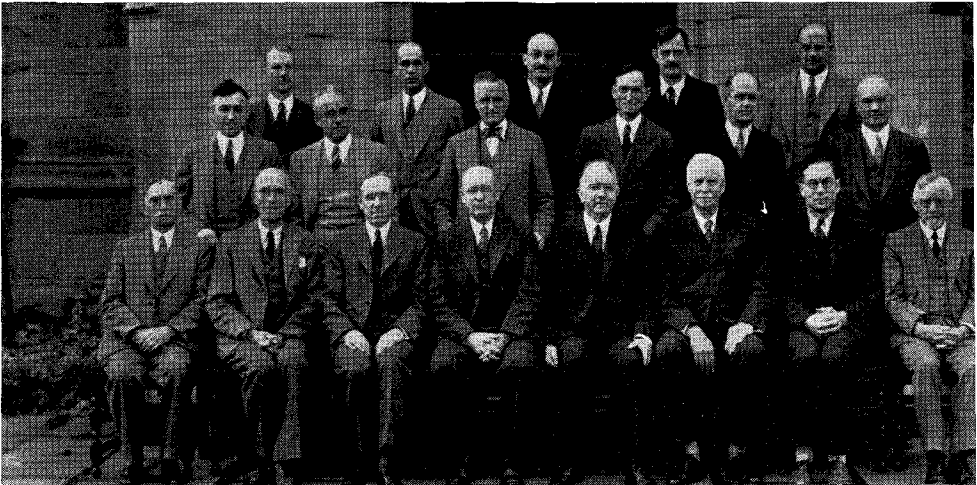
E. Blythe Stason became dean just before the outbreak of World War II. He had scarcely time to consider his increased obligations and assess his opportunities for improving the level of legal education when the problems of a law school in war time were thrust upon him. He was, however, able to initiate a program of continuing legal education which in the post-World War II years became an increasingly important part of the school's activities. The first summer institute was held in 1939 and dealt with problems in trusts and wills, taxation, and labor law. It was the forerunner of the annual summer institutes commenced in 1948 and of the "bread-and-butter" winter institutes begun in 1950 with Professor Charles W. Joiner as chairman of the institute committee.

During the war years the dean and a reduced law faculty gave thoughtful attention to future problems. The exploration of new teaching methods; consideration of the impact upon law of developments in politics and government, as well as in socio-economic conditions; evaluation of the insights that other disciplines, such as psychiatry, medicine, sociology, and economics, could contribute to a broadened conception of the law and the law-making program; development of a more extensive research program; institution of new administrative techniques; and finally, the need for a greater appreciation of international and comparative law by

FACULTY OF THE LAW SCHOOL — 1959



FRONT ROW—Professors: **Hutchison** (*Instructor*), **Plant**, **Proffitt** (*Assistant Dean*), **Stason** (*Dean*), **Oppenheim**, **Reed**, **Meisenholder** (*Visiting Professor*), **Muir** (*Instructor*).
SECOND ROW—Professors: **Blume**, **Estep**, **R. A. Smith** (*Associate Dean*), **Stein**, **Palmer**, **Wright**, **Waite** (*Emeritus*), **Browder**.



SEATED—Professors: **Wilgus** (*Emeritus*), **Durfee**, **Sunderland**, **Leidy** (*Sec'y*), **Bates** (*Dean*), **Goddard**, **Aigler**, **Drake** (*Emeritus*).
SECOND ROW—Professors: **Grismore**, **Shartel**, **Waite**, **Tracy**, **James**, **Stason**.
THIRD ROW—Professors: **Simes**, **Coffey** (*Librarian*), **Dawson**, **Yntema**, **Blume**.

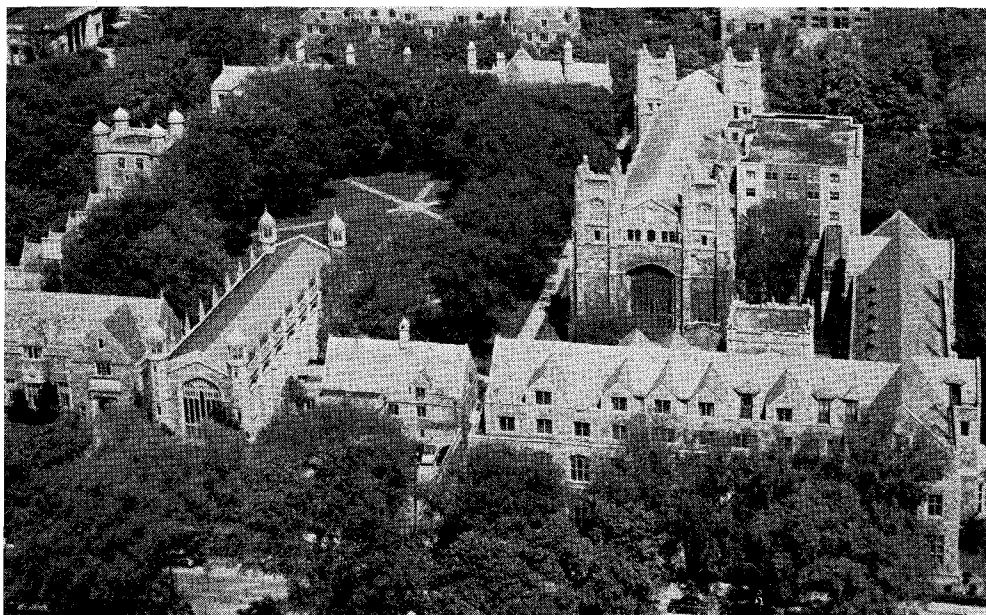
Faculty of the Law School—1933-1934



THIRD ROW—Professors: Harvey, Steinheimer, Pierce, Coffey (*Librarian*), James, Wellman.

FOURTH ROW—Professors: Pearce, Yntema, Joiner, Bishop, Simes (*Emeritus*), Polasky, Cooper, De Vine.

BACK ROW—Professors: A. F. Smith, Cooperrider, Hawkins, George.



THE LAW QUADRANGLE

law students and faculty alike — these were discussed and considered from every possible angle. Only one important administrative change was made during the war years. In 1942 the regents created the position of Director of Legal Research, and Lewis M. Simes was appointed to it. He served until 1954, when he was succeeded by Allan F. Smith.

POST WAR PERIOD

With the end of the war, the Judge Advocate General's School which had occupied the Law Quadrangle left. The anticipated rush of veterans arrived. The enrollment rose from 246 students in 1944-1945 to a post-war peak of 1,113 in 1947-1948. New faculty members were essential to handle the teaching load created by these students, not only for the traditional courses in contracts, torts, crimes, property, and procedure, but for course work in the newer subjects required by the changing nature of a lawyer's practice and the international responsibilities the United States had been forced to assume. Between 1945 and 1950 George E. Palmer, Marcus L. Plant, Charles W. Joiner, Allan F. Smith, L. Hart Wright, Samuel D. Estep, William W. Bishop, John W. Reed, and Roy L. Steinheimer were added to the faculty. As rapidly as possible course offerings in international law, labor relations, and taxation were increased. Nonlegal materials were incorporated into teaching materials wherever relevant, and the law faculty gave serious attention to events and developments in other disciplines. The case method continued to be used, but it was supplemented by a device developed initially by Paul G. Kauper and L. Hart Wright, usually referred to as the problem method.

Research by students other than the editors of the *Michigan Law Review* was encouraged on a more systematic basis, an outgrowth in part of the growth in seminar offerings. Seminars had been available to students as early as 1925-1926, and more were offered after Stason became dean between 1940 and 1942.

The reduced number of students and faculty during the war years and the heavy teaching burden on the faculty during the immediate post-war years prevented any great extension of the program until the 1950s. The groundwork was laid in the 1940s, however, and by 1959 approximately forty seminars were listed in the annual announcement with the expectation that every student prior to graduation would enroll in at least one. Training in the problems faced by practicing attorneys and in basic research techniques was expanded in 1957-1958, when "Problems and Research" under the direction of Jack R. Pearce was required of second-year students.

LEGISLATIVE RESEARCH CENTER

Dean Stason was convinced that in an era when statute law was becoming indispensable to the practicing lawyer, there was an urgent need for research in and the teaching of legislation. Himself the drafter of a number of statutes, he was completely cognizant of their importance. Under his leadership the Legislative Research Center was organized in 1950. Samuel D. Estep served as its director from 1951 to 1957, when he was succeeded by William I. Pierce. Statutory materials were given increased attention in casebooks prepared by members of the law faculty, such as Paul G. Kauper and L. Hart Wright's *Cases and Materials on Federal Income Taxation*; and John P. Dawson and William B. Harvey's *Cases on Contracts and Contract Remedies*.

In the post-war period, the increased size of the law library created a serious space-shortage, both for the volumes themselves and the library staff. During the war years the faculty had saved unexpended research money for an addition to the Legal Research Building, but the rise in construction costs made their savings inadequate. The legislature made up the difference, and in 1955 a four-story stack addition was completed.

Enrollment dropped from its post-war peak, but applications for admission in-

creased. Admission procedures were organized more systematically with greater attention to selecting applicants on the basis of probable law school performance. From 1949-1950 onward, all applicants were required to take the law school admission test in an effort to decrease the number of first-year student drop-outs. The post of admissions officer was created in 1952. William B. Harvey held this administrative position until 1955, when he was replaced by Roy L. Steinheimer.

As standards of performance rose, law students had less time available for outside work. Yet at the same time, the costs of legal education, including board and room, rose sharply. The need for scholarships had been recognized by Dean Bates, but upon his retirement in 1939 there were only three university scholarships in professional schools available for law students and no loan funds. Between 1939 and 1959, generous and foresighted alumni and friends of the school, sparked by Dean Stason, made substantial contributions to loan and scholarship funds which enabled the faculty to assist many students in real need. In 1959, the endowed scholarship funds had a principal of something over \$2,700,000, about \$140,000 was in seven loan accounts restricted to law students, and a little more than \$24,000 was contributed and expended for scholarships. During these same years, the increased costs of legal education forced the university to raise tuition fees and to widen the difference between Michigan and out-of-state fees. Attracted by the school's reputation, however, out-of-state applications continued to be numerous. The faculty felt strongly that substantial advantages accrued to Michigan students from the national, in fact international, character of the student body.

FOREIGN ENROLLEES

Although foreign students had enrolled in the law school from its first year, only after World War II did they come in substantial numbers. Attracted by the extensive law library, with its massive collection in the fields of international

and comparative law,¹⁸ men and women came to Ann Arbor in growing numbers from Europe, Asia, and Africa. Many enrolled as candidates for the degree of Master of Laws, but in 1958 the regents recognized the need for and authorized the faculty to grant the Master of Comparative Law degree. During the 1950s, courses in international law annually attracted a majority of law school undergraduates. The entire research and teaching program in international and comparative law was markedly strengthened, both by general courses and by special seminar offerings. A grant of the Ford Foundation in 1954 recognized the school's achievements in this area and enabled it to move forward at an accelerated pace.

The traditional concept of legal research was modified during this decade. Originally viewed as a one-man investigation into a point of legal doctrine culminating in a treatise or monograph, it began to be visualized as a much broader operation, often involving cooperation with experts in other disciplines and frequently directed toward legal problems raised by some current socio-economic situation. Notable among such projects was the research into atomic energy law, involving E. Blythe Stason, Samuel D. Estep, William J. Pierce, and Eric Stein. Group research projects appeared with a battery of men working on a single issue. The Legislative Research Center was concerned with water resources and the law between 1956 and 1958, and in 1958 commenced a three-year study involving the legal aspects of metropolitan areas. L. Hart Wright, Eric Stein, and Alan N. Polasky in 1958 started to investigate the legal problems attendant on doing business in Europe, with particular reference to the common market, a project which involved cooperation with European experts and consideration of taxation and marketing practices on the continent.

18. The international and comparative law collection had its inception in the urgings of Edwin D. Dickinson in the early 1920s.

Research into problems of more immediate importance to the bench and bar was not neglected. The areas of procedural reform, federal and state taxation, anti-trust and monopoly procedures, real estate boundaries, probate and the administration of estates, labor law, and landowners' rights in airspace — these were all under investigation by different numbers of persons during the latter half of the 1950s.

FAR-REACHING RESEARCH

This research, whether for the preparation of teaching materials, for addresses to bar association groups, or for the writing of monographs or treatises, provided the basis upon which the instructional staff could build to present a course of instruction geared to the needs of the legal profession in 1959, needs which could no longer be limited to the conventional problems of trespass or contract or other matters of concern in 1899. The faculty sought to prepare the law students for practice in a period in which they might encounter problems posed by the peacetime uses of atomic energy, jurisdiction over crimes committed in aircraft, the taxation of an American company with a Brazilian subsidiary, as well as the planning of estates, conflicting claims to real estate, or appearance before a public utilities commission.

Increasingly, however, the faculty recognized that it was not enough to train men for the practice of law alone. In addition, they should be enabled to visualize the complex relationships between law and society. Consequently, emphasis was placed on the importance of jurisprudential courses and seminars, such as William Wirt Blume's "American Legal History," William B. Harvey's "Legal Philosophy," and Spencer Kimball's "Law and Society." In this way students were given the opportunity to stand aside from courses in particular and consider the whole function of law in a society built not upon a government by men but upon a government by law. For the law faculty never ceased to scrutinize and question the processes of legal education at Michigan, to the end that

they might fulfill more completely the objectives of the law school as laid down in the 1958 bylaws of the board of regents:

"The Law School shall be maintained for the purpose of providing instruction and conducting research in law and in the science of jurisprudence, comparative jurisprudence, and legislation, to the end that its graduates may become prudent counselors, wise legislators, and useful leaders."

That they had been successful in meeting these objectives is apparent from the report filed by Dean William Lockhart of the Minnesota Law School and Charles B. Nutting of the Buhl Foundation in April, 1959, with the American Bar Association, Section on Legal Education. The general observations, actually the evaluators' conclusions, stated:

"The University of Michigan Law School, now in its hundredth year of operation, is generally recognized as one of the outstanding institutions of its kind in the United States. The University, of which it is a part, likewise is regarded highly and is certainly one of the best tax-supported institutions in the nation. The enrollment in the law school varies between 850 and 900. The students come from every section of the United States and from twenty other countries. Less than 50 per cent are residents of Michigan. The graduates are similarly distributed. There is, of course, no question that the school complies fully with all of the requirements and standards of the American Bar Association and the Association of American Law Schools. As will appear in greater detail later . . . the faculty, physical plant, curriculum, admission policies, and academic standards are more than satisfactory."¹⁹

19. The University of Michigan Law School: Report of an evaluation made on April 23-24, 1959, by William B. Lockhart, Dean, University of Minnesota Law School, and Charles B. Nutting, Director, Buhl Foundation, for the American Bar Association, Section on Legal Education.